

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER L. LYLE,

Plaintiff,

vs.

Case No. 04-CV-72684
HON. GEORGE CARAM STEEH

FRANK OLNEY, et al.,

Defendants.

**ORDER DENYING MOTION TO RETURN APPELLATE
FILING FEES AND FOR AN AWARD OF ATTORNEY FEES [DOC. 74]**

This matter is presently before the Court on plaintiff Roger L. Lyle's motion for the return of his appellate filing fees and to recover attorney fees. Plaintiff bases his motion for the return of the filing fee on the fact that the Sixth Circuit's Mandate states "COSTS: NONE". This statement by the Sixth Circuit refers to the fact that the appellate court is not imposing any further costs on plaintiff in regard to the denial of his appeal. Plaintiff is not entitled to the return of his filing fee. In addition, there is no basis for awarding attorney fees in this matter.

IT IS SO ORDERED.

Dated: August 18, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 18, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk